

DATE: [ DATE \@ "MMMM d, yyyy" ]

ECRCO

CONTACT: Lilian

Dorka/ 564-9649

*Internal deliberative pre-decisional, attorney-client privileged information, do not release without review.*

**External Civil Rights Compliance Office**

**Non-litigation: Cases Undergoing Resolution Steps in Next Two Weeks**

1. ***ADEM – Arrowhead and Dothan (EPA File Nos. 12R-13-R4; 13R-16-R4) (Case Manager Brittany Martinez)***

Background: In Arrowhead, EPA accepted the following issues for investigation:

## **Ex. 5 Deliberative Process (DP)**

Status:

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## Ex. 5 Deliberative Process (DP)

### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

### Considerations and Recommendations:

- ~~ECRCO has reviewed the information provided by Complainants regarding the retaliation issues.~~

## Ex. 5 Deliberative Process (DP)

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## Ex. 5 Deliberative Process (DP)

2. *City of Oakland/ Port of Oakland (EPA File #s 13R-17-R9/ 14R-17-R9) (Case Managers Debra McGhee and Katsumi Keeler)*

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### Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
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### Considerations and Recommendations:

## Ex. 5 Deliberative Process (DP)

Action Needed: Discussion about upcoming visit from the City of Oakland and the Port of Oakland.

### 3. *Michigan Department of Environmental Quality (MDEQ), (EPA File No 17RD-16-R5)*

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## Ex. 5 Deliberative Process (DP)

### Status:

- On March 10, 2017, ECRCO received MDEQ's Response to Notice of Preliminary Findings of Noncompliance.
- ECRCO is working toward resolving the open MDEQ matters by means of informal resolution. ECRCO received comments back from CRFLO on August 11, 2017, reviewed those comments and had a follow-up conversation with CRFLO on September 6, 2017, to iron out any changes before sending to MDEQ.
- As a result of September 6, 2017 discussion with CRFLO, ECRCO edited document and finalized for ECRCO management approval.
- ECRCO sent the draft resolution agreement to CRFLO for final legal approval and to Region 5 on **September 12, 2017**.
- ECRCO reconciled final CRFLO comments and sent ECRCO management approved draft resolution agreement to you on **September 21, 2017**, for your review and input. ECRCO also drafted a cover letter to MDEQ Director Grether for transmittal of the draft. It was forwarded to CRFLO for input on **September 24, 2017**.

### Considerations and Recommendations:

## Ex. 5 Deliberative Process (DP)

### Non-litigation: Cases Under Investigation

1. *Hawaii Department of Agriculture (DOA) and the Hawaii Agribusiness Development Corporation (ADC) (EPA File # 44RNO-16-R9)*

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## Ex. 5 Deliberative Process (DP)

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Status:

~~Over the past several months, ECRCO has coordinated telephonic interviews with several individuals.~~

## Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

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- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Considerations and Recommendations:

## Ex. 5 Deliberative Process (DP)

Action Needed: None at this time.

2. *Albuquerque-Bernalillo County Air Quality Control Board (ABCAQ) and Albuquerque Environmental Health Department (EHD) 13R-14-R6 (Case Manager: Debra McGhee)*

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- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d et seq.
- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7

Status:

## Ex. 5 Deliberative Process (DP)

Considerations and Recommendations:

## Ex. 5 Deliberative Process (DP)

3. *Florida Department of Environmental Protection (FDEP): (EPA Files # 01R-09-R4 and 07R-10-R4 (Case Manager: Waleska Nieves)*

Background:

## Ex. 5 Deliberative Process (DP)

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~~March 18, 2019, ECRCO determined that the information received from the complainants~~

## Ex. 5 Deliberative Process (DP)

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Status:

## Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

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- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Considerations and Recommendations:

## Ex. 5 Deliberative Process (DP)



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**4. Orange Water and Sewer Authority / Orange County (Inspections and Planning Division), NC  
(File # 13R-07-R4) (Case Manager: Jonathan Stein)**

## **Ex. 5 Deliberative Process (DP)**

Status:

## **Ex. 5 Deliberative Process (DP)**

Regulatory/ Legal Requirements:

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- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Considerations and Recommendations:

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## Ex. 5 Deliberative Process (DP)

Action Needed: None at this time.

5. *Arkansas Department of Environmental Quality (Georgia Pacific Plant) (EPA File # 27R-16-R6) (Case Manager: Zahra Khan)*

## Ex. 5 Deliberative Process (DP)

Status:

On May 31, 2017 ECRCO had a conference call with ADEQ to review foundational

## Ex. 5 Deliberative Process (DP)

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## Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Action Needed: None at this time.

6. *JCDH/ABC Coke and JCDH/Walter Coke (EPA Files 03R-15-R4 and 80R-15-R4) (Case Managers: Samuel Peterson and Jeryl Covington)*

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- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

### Considerations and Recommendations:

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## **Ex. 5 Deliberative Process (DP)**

7. *Chester Street Block Club Association (CSBCA)/South Prescott Park (EPA File # 08R-97-R9)  
(Case Manager: Waleska Nieves)*

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Considerations and Recommendations:

## **Ex. 5 Deliberative Process (DP)**

Non-litigation: Cases Under Jurisdictional Review (JR) Needing Action

# **Ex. 5 AC/DP**

Non-litigation: Other Matters

- Case Resolution Manual Update

## **Ex. 5 Deliberative Process (DP)**